

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Cr. No. 02-10113-RGS

UNITED STATES OF AMERICA	)	VIOLATIONS:
)	
v.	)	21 U.S.C. § 846 -
	)	Conspiracy to Possess
1. DIOMEDES ANZIANI	)	Heroin with Intent
2. LUIS E. RODRIGUEZ	)	to Distribute
3. JOSE MIGUEL HICIANO AMARO)	
4. JOHNNY CIRIACO	)	21 U.S.C. § 841-
5. RAMON ANZIANI	)	Possession of Heroin with
6. PEDRO MARTINEZ	)	Intent to Distribute and
7. ANGEL MATOS	)	Distribution of Heroin
8. ELISON ANZIANI)	
9. RAFAEL CORTIJO	)	21 U.S.C. § 843(b) -
10. ARCHIE DESROSIERS	)	Use of Communication Facility
11. ROBERT DAVIS	)	in Furtherance of a
12. RYAN CASSAVECHIA	)	Controlled Substances Offense
13. CHRISTY WANAGER)	
14. CHRISTOPHER JOHNSON)	
15. ALANDA DOWNS	)	18 U.S.C. § 2-Aiding and
16. MICHAEL BODGE	)	Abetting
17. FRANK MCQUADE)	
18. SHANNAH VIGUE)	
19. MATTHEW STONE)	
20. MELANIO ALMONTE)	
21. JONATHAN GARCIA)	
22. CRISTIAN GARCIA)	
23. JUAN A. HERNANDEZ ORTIZ)	
24. FNU LNU,)	
a/k/a "Frenery,")	
a/k/a "Frank")	
25. DANIEL ORTIZ)	
26. FNU LNU,)	
a/k/a "Vitin")	
27. FNU LNU,)	
a/k/a "Pineo")	
a/k/a "Yoel Rodriguez")	
a/k/a "Osvaldo Guerrero")	
28. FNU LNU, a/k/a "Dario")	
a/k/a "Miguel Garcia")	
29. WILLIAM FELIZ,)	
a/k/a "William Felix")	

FIFTH SUPERSEDING INDICTMENT

COUNT ONE: **(21 U.S.C. § 846 - Conspiracy to Possess Heroin With Intent to Distribute and to Distribute Heroin)**

The Grand Jury charges that:

From a date unknown to the United States, but from at least May 16, 2001, and continuing thereafter until on or about April 2, 2002, in the District of Massachusetts,

4. JOHNNY CIRIACO,
5. RAMON ANZIANI,
7. ANGEL MATOS,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons known and unknown to the Grand Jury to possess with intent to distribute, and to distribute, heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The Grand Jury further charges that the conspiracy charged in Count One involved 1 kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(A)(i) applies to this Count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: **(21 U.S.C. § 846 - Conspiracy to Possess Heroin With Intent to Distribute and to Distribute Heroin)**

The Grand Jury further charges that:

From a date unknown to the United States, but from at least December 19, 2001, and continuing thereafter until on or about March 23, 2002, in the District of Massachusetts,

4. JOHNNY CIRIACO,
21.JONATHAN GARCIA,
24.FNU LNU,
 a/k/a "Frenery,"
 a/k/a "Frank,"
27.FNU LNU,
 a/k/a "Pineo,"
 a/k/a "Yoel Rodriguez"
 a/k/a "Osvaldo Guerrero"
29.WILLIAM FELIZ,
 a/k/a "William Felix,"

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to the United States to possess with intent to distribute, and to distribute, heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The Grand Jury further charges that the conspiracy charged in Count Two involved 1 kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(A)(i) applies to this Count.

All in violation of Title 21, United States Code, Section 846.

CRIMINAL FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One and Two of this Indictment,

JOHNNY CIRIACO,
RAMON ANZIANI,
ANGEL MATOS,
JONATHAN GARCIA,
FNU LNU,
 a/k/a "Frenery,"
 a/k/a "Frank,"
FNU LNU,
 a/k/a "Pineo,"
 a/k/a "Yoel Rodriguez,"
 a/k/a "Osvaldo Guerrero," and
WILLIAM FELIZ,
 a/k/a "William Felix,"

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offenses, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

2. If any of the properties described in paragraph 1, above, as a result of any act or omission of the defendant --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the

Court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further finds that:

1. The defendant RAMON ANZIANI is accountable for at least 1 kilogram, but not more than 3 kilograms, of heroin.

Accordingly, USSG §2D1.1(c)(4) applies to this defendant.

2. The defendant RAMON ANZIANI was a manager or supervisor of a criminal activity that involved five or more participants or was otherwise extensive. Accordingly, USSG §3B1.1(b) applies to this defendant.

3. The defendant FNU LNU, a/k/a PINEO, a/k/a YOEL RODRIGUEZ, a/k/a OSVALDO GUERRERO is accountable for at least 100 grams, but not more than 400 grams, of heroin. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.

4. The defendant WILLIAM FELIZ, a/k/a WILLIAM FELIX is accountable for at least 1 kilogram, but no more than 3 kilograms, of heroin. Accordingly, USSG §2D1.1(c)(4) applies to this defendant.

A TRUE BILL

William J. Kelly
FOREPERSON OF THE GRAND JURY

Rachel E. Hershfang
Rachel E. Hershfang
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

October 14, 2004.

Returned into the District Court by the Grand Jurors and filed.

Deputy Clerk
Deputy Clerk

October 14, 2004.

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Methuen **Category No.** I **Investigating Agency** DEA

City METHUEN

Related Case Information:

County ESSEX

Superseding Ind./ Inf. X Case No. 02-10113-RGS
 Same Defendant X New Defendant _____
 Magistrate Judge Case Number 02-1619-CBS; 01-00042, 50
 Search Warrant Case Number 02-1621-CBS
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name RAMON ANZIANI Juvenile: Yes No

Alias Name _____

Address _____

Birthdate: _____ SS # _____ Sex: _____ Race: _____ Nationalit _____

Defense Counsel if known: Melvin Norris Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Rachel E. Hershfang Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Spanish

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date 4/2/02

Already in Federal Custody as of 4/2/02 in D.M.A.

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 1 _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/04 Signature of AUSA: Lee C. Culliford

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant RAMON ANZIANI

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. §846</u>	<u>Conspiracy Possess/Dist. Heroin</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION: _____			
_____ _____ _____			

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Methuen **Category No.** I **Investigating Agency** DEA

City METHUEN

Related Case Information:

County ESSEX Superseding Ind./ Inf. X Case No. 02-10113-RGS

Same Defendant X New Defendant _____

Magistrate Judge Case Number 02-1619-CBS; 01-00042, 50

Search Warrant Case Number 02-1621-CBS

R 20/R 40 from District of _____

Defendant Information:

Defendant Name FNU MNU LNU Juvenile: Yes No

Alias Name "PINEO" "YOEL RODRIGUEZ" "OSVALDO GUERRERO"

Address _____

Birthdate: _____ SS # _____ Sex: _____ Race: _____ Nationalit _____

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Rachel E. Hershfang Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Spanish

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 1 _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/02 Signature of AUSA: RACHEL E. HERSHFANG

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant FNU LNU, a/k/a "PINEO" a/k/a "YOEL RODRIGUEZ" a/k/a "OSVALDO GUERRERO"

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. §846</u>	<u>Conspiracy Possess/Dist. Heroin</u>	<u>2</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION: _____			

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts****Place of Offense:** Lowell**Category No.** I**Investigating Agency** DEA**City** Lowell, Lawrence**Related Case Information:****County** Middlesex, Essex

Superseding Ind./ Inf. X Case No. 02-10113-RGS
 Same Defendant New Defendant _____
 Magistrate Judge Case Number 02-1619, 1643-1748-CBS
 Search Warrant Case Number 02-1621-CBS
 R 20/R 40 from District of _____

Defendant Information:Defendant Name William Feliz Juvenile: Yes No

Alias Name William Felix

Address _____

Birthdate: _____ SS # _____ Sex: M Race: _____ Nationalit _____

Defense Counsel if known:

Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Rachel E. Hershfang, 748-3249 Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Spanish**Matter to be SEALED:** Yes No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date January 14, 2003

 Already in Federal Custody as of _____ in _____ . Already in State Custody at _____ Serving Sentence Awaiting Trial

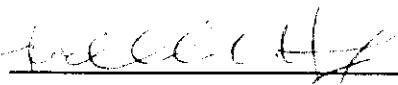
X On Pretrial Release: Ordered by: MJ, EDNY on Jan. 15, 2003

Charging Document: Complaint Information Indictment**Total # of Counts:** Petty _____ Misdemeanor _____ Felony 1_____

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 1/15/2003

Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): _____**Name of Defendant** _____**U.S.C. Citations**

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. 846</u>	Conspiracy to possess with intent to distrib. heroin	<u>2</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION: _____			
_____ _____ _____			

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Methuen **Category No.** I **Investigating Agency** DEA

City METHUEN

Related Case Information:

County ESSEX

Superseding Ind./ Inf. X Case No. 02-10113-RGS
 Same Defendant X New Defendant
 Magistrate Judge Case Number 02-1619-CBS; 01-00042, 50
 Search Warrant Case Number 02-1621-CBS
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name ANGEL MATOS Juvenile: Yes No

Alias Name _____

Address _____

Birthdate: _____ SS # _____ Sex: _____ Race: _____ Nationalit _____

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Rachel E. Hershfang Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Spanish

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 1_____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/02 Signature of AUSA: J. E. Hershfang

District Court Case Number (To be filled in by deputy clerk): _____**Name of Defendant** ANGEL MATOS**U.S.C. Citations**

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. §846</u>	<u>Conspiracy Possess/Dist. Heroin</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION: _____			
_____ _____			
_____ _____			
_____ _____			

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Methuen **Category No.** 1 **Investigating Agency** DEA

City METHUEN

Related Case Information:

County ESSEX Superseding Ind./ Inf. X Case No. 02-10113-RGS

Same Defendant X New Defendant

Magistrate Judge Case Number 02-1619-CBS; 01-00042, 50

Search Warrant Case Number 02-1621-CBS

R 20/R 40 from District of _____

Defendant Information:

Defendant Name JONATHAN GARCIA Juvenile: Yes No

Alias Name _____

Address _____

Birthdate: _____ SS # _____ Sex: _____ Race: _____ Nationalit _____

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Rachel E. Hershfang Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Spanish

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 2 _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/04

Signature of AUSA: Rachel E. Hershfang

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant JONATHAN GARCIA _____

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	21 U.S.C. §846	Conspiracy Possess/Dist. Heroin	1, 2
Set 2			
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION: _____

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Methuen **Category No.** I **Investigating Agency** DEA

City METHUEN

Related Case Information:

County ESSEX

Superseding Ind./ Inf. X Case No. 02-10113-RGS
 Same Defendant X New Defendant _____
 Magistrate Judge Case Number 02-1619-CBS; 01-00042, 50
 Search Warrant Case Number 02-1621-CBS
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name FNU MNU LNU Juvenile: Yes No

Alias Name "FRENERY" "FRANK"

Address _____

Birthdate: _____ SS # _____ Sex: _____ Race: _____ Nationalit _____

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Rachel E. Hershfang Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Spanish

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 1 _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/04 Signature of AUSA: J. Hershfang

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant FNU LNU, a/k/a "FRENERY," a/k/a "FRANK"

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. §846</u>	Conspiracy Possess/Dist. Heroin	<u>2</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Methuen **Category No.** I _____ **Investigating Agency** DEA _____

City METHUEN

Related Case Information:

County ESSEX Superseding Ind./ Inf. X Case No. 02-10113-RGS

Same Defendant New Defendant _____

Magistrate Judge Case Number 02-1619-CBS; 01-00042, 50

Search Warrant Case Number 02-1621-CBS

R 20/R 40 from District of _____

Defendant Information:

Defendant Name JOHNNY CIRIACO Juvenile: Yes No

Alias Name _____

Address _____

Birthdate: _____ SS # _____ Sex: _____ Race: _____ Nationalit _____

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Rachel E. Hershfang Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Spanish _____

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____.

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 2_____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/14/02 Signature of AUSA: Rachel E. Hershfang

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant JOHNNY CIRIACO _____

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	21 U.S.C. §846	Conspiracy Possess/Dist. Heroin	1, 2
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____
